




IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/755,967	)	
	)	
Inventor: Armstrong, R	)	Examiner M. Trettel
	)	
Filed: Jan 12, 2004	)	Art Unit 3673
	)	
For: Post Operative Patient Assist Device	)	



Hon. Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO ACTION OF DEC. 9, 2004**

Now comes applicant and through her attorney of record, noted below, responds as follows:

The claims have been amended as per the accompanying claim sheets in accordance with the goal to eliminate the Examiner's objections under 35 USC 112 and his rejections under 35 USC 102 and 103. In addition a clean copy of the specification without the underscoring is submitted herewith. The underlining was provided as a aide to the Examiner but evidently he does not require it.

Claim 10 has been cancelled and claims 11 and 12 substituted therefore to avoid

the objection addressed to the Registered trademark.

Claim 1 has been amended to clear up the Examiner's objections and now recites "individual cylindrical members flexibly and coaxially linked" which is not shown in Johannis which only shows a fire-escape type arrangement with cross members. The claims also recites the members securing a fold section on the strap which is not shown in Johannis. Finally, the members are recited as being of a molded nylon composition with spherical end sections, neither limitation being shown by Johannis.

Claim 2 has been amended to include the hollow chamber portion of the members which is not shown by Johannis or the other prior art.

Claim 3 is amended to call for the members being made of polyhexamethylene adipamide which is not disclosed in any of the prior art.

Claim 4 calls for the hollow chambers similar to claim 2.

Claim 5 has been amended to state the gripping portion being made of a thermoplastic elastomer.

Claim 8, an independent claim, has been amended to call for the members being linked coaxially and being made of a molded Nylon with a gripping coating of a thermoplastic elastomer. Claim 9 calls for the gripping chamber.

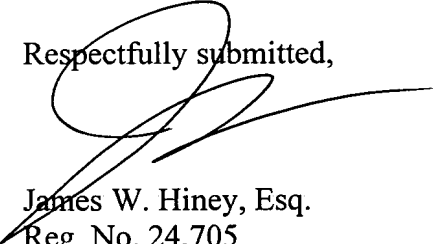
None of the references, alone or in combination, calls for the unique and inventive

combination of limitations now recited in the amended claims and an early passage to issuance is solicited.

A request for a one month extension of time in which to respond, with fee, is submitted with this amendment. Also submitted is a self-addressed stamped postcard which the Office is requested to stamp and deposit with the U. S. Postal Service.

If the Examiner should notice any minor matter he is invited to call the Attorney of record with a view to clearing it up by Examiner's amendment.

Respectfully submitted,



James W. Hiney, Esq.  
Reg. No. 24,705  
1872 Pratt Drive, Suite 1100  
Blacksburg, VA 24060  
(540) 552-4400

#### **Certification of Mailing**

I, James W. Hiney, do hereby certify that an executed copy of this amendment, together with a claim sheet, a clean copy of specification and a request for a one month extension of time in which to respond, was deposited, Express Mail No .ED 114661386 US, with the United States Postal Service, this 11<sup>th</sup> day of March, 2005.



---

James W. Hiney